

WARREN ZONING BOARD OF REVIEW
February 25, 2015
Minutes

The regular meeting of the Warren Zoning Board was called to order at 7:01 pm by Chairman A. Harrington. Also present was Vice Chairman S. Calenda, P. Attemann, M. Smiley, A. Ellis, 1st Alternate M. Emmencker and 2nd Alternate W. Barrett Holby.

Approval of Minutes January 21, 2015 and February 5, 2015 meetings. It was moved Vice Chairman S. Calenda to accept the January 21, 2015 and February 5, 2015 minutes. Second by P. Attemann. Yea - Chairman A. Harrington, Vice Chairman S. Calenda, P. Attemann, M. Smiley, and A. Ellis.

New Business

Application #15-5, Jane F. Harrison, owner and applicant, 19 Shore Dr, Plat Map 17, Lot 133, request for a Variance from section 32-89 of the Warren Zoning Ordinance to install a new OWTS within 150' of a water body.

Jane F Harrison was present to give testimony for Application #15-5, request for a Variance from section 32-89 of the Warren Zoning Ordinance to install a new OWTS within 150' of a water body. Ms. Harrington stated she has necessary approvals from DEM.

It was moved by Vice S. Calenda to approve Application #15-5, Jane F. Harrison, owner and applicant, 19 Shore Dr, Plat Map 17, Lot 133, request for a Variance from section 32-89 of the Warren Zoning Ordinance to install a new OWTS within 150' of a water body. Finding of fact, the hardship that the applicant is a variance for is due to the unique characteristics of the subject of land and not the general characteristic of the surrounding area and not due to the physical or economic disability of the applicant. Also, a finding of fact that the hardship is not the result of any prior action this applicant may have taken. Further finding of fact, that the granting of the variance will not alter the general characteristics of the surrounding area and the request conforms with the purpose and intent of the Zoning Ordinance and Comprehensive Plan. Also, noted for the record the relief requested is the least amount of relief necessary based on the plans submitted to the Zoning Board as well as plans submitted to DEM. Second by M. Smiley. Yea - Chairman A. Harrington, Vice Chairman S. Calenda, P. Attemann, M. Smiley, and A. Ellis. Second by M. Smiley.

P. Attemann recues.

W. Barrett Holby, Jr. recues.

Application #15-6, Tyler & Meredith Dixon, owners and John Sheridan, applicant, 60 Brownell St, Plat Map 16, Lots 189 & 190, request for a Variance from section 32-77.1 of the Warren Zoning Ordinance to construct an addition that would exceed the lot coverage allowed.

John Sheridan, Sheridan Associates, 64 Church St, Warren, was present to give testimony on Application #15-6, Tyler & Meredith Dixon, owners and John Sheridan, applicant, 60 Brownell St, Plat Map 16, Lots 189 & 190, request for a Variance from section 32-77.1 of the Warren Zoning Ordinance to construct an addition that would exceed the lot coverage allowed. The new space will provide room for a growing family. The shed houses five children belongings such as bicycles as well as gardening tools and family belongings. The owners are in the need of the additional space and the result of the lot coverage due to the decks was not a result of the applicants, this is the least relief necessary. The garage currently houses one vehicle.

Matthew J. Landry, Esq, Blish & Cavanaugh, 30 Exchange Terrace, Providence, RI, legal counsel to Tyler & Meredith Dixon, was also present.

Tyler Dixon, owner, feels he should not have to concede on what he is requesting.

Public Comment

Noreen Erklauer, 41 Brownell St, Warren, who has lived at this location for the past 29 years and with each variance approved the lot coverage in Touisset expands. She also stated that she is opposed to the 10'x12', 120 sq ft shed in the front yard.

Darlene Pontes, 3 Bay View Ave, Warren, stated that she is concerned by the huge shed that will obstruct the view looking down towards the water. She stated she had been looking at the Comprehensive Plan for the Town and one of the policies she found was the protection of the open and scenic view corridor. She would like Tyler to move the shed to somewhere else.

Shirley Guptill Lepore, 4 Bay View Ave, Warren, stated that when you purchase a house it is with an already existing set of guide lines. Over the past 12yrs all along Brownell a tremendous amount of lot coverage some up to 40%. She also stated that she is opposed to this request.

William Blade, 73 Ferry Lane, Barrington and owner of property at 80 Baker St, Warren, stated after hearing the testimony, if he were the applicant he would consider removing the request for the shed.

It was moved by A. Ellis to approve Application #15-6, Tyler & Meredith Dixon, owners and John Sheridan, applicant, 60 Brownell St, Plat Map 16, Lots 189 & 190, request for a Variance from section 32-77.1 of the Warren Zoning Ordinance to construct an addition that

would exceed the lot coverage allowed. The applicant has proposed an increase of lot coverage from the existing 25% to 32%. After discussion and with consideration of testimony both from the applicant and members of the public the motion the Board is considering and what the client has suggested is that the request shall be amended to 28% of the lot coverage in whatever configuration they would like. By granting this variance a finding of fact the hardship is due to the unique characteristics of the land or the structure and that being a waterfront property with pre-existing additions with certain lot coverage as acquired when the applicant purchased the property and certain features of the coastal nature of the property, there are existing decks, stairs, etc. the applicant wishes to contain within the design that he received when he purchased the property. A finding of fact that is hardship is not result of any prior action of the applicant as the applicant has not previously alter the property or made any additions onto this property. Granting of this variance is not going to alter the general characteristics of the surround area. From the testimony heard, the waterfront homes in this area and of this character have excessive lot coverage and are typical. Testimony also supports that the relief requested is necessary beyond the lot coverage allowed in the Ordinance. This request also conforms with the Comprehensive Plan and what is being proposed does support the ideas of the Comprehensive Plan with regard to maintaining the waterfront neighborhood. Final finding of fact, that the relief requested is the least amount of relief necessary based on the testimony heard from the applicant, that in order to achieve the stated goals of adding adequate room the 28% increase in lot coverage being proposed would be compliant and the least necessary relief. Second by M. Smiley. Yea - Chairman A. Harrington, Vice Chairman S. Calenda, M. Smiley, A. Ellis and M. Emmencker.

P. Attemann resumes his seat.

W. Barrett Holby, Jr. resumes his seat.

Vice Chair S. Calenda recues.

Application #15-7, Rosemary Lemmis, owner and Peter Mayhew, applicant, 7 Roseland Ave, Plat Map 13C, Lots 112 & 113, request for a Variance from section 32-77 of the Warren Zoning Ordinance to allow for the construction of a garage on an existing foundation, closer than allowed side and rear lot lines, and in excess of allowed lot coverage.

Peter Mayhew was present to give testimony for Application #15-7, Rosemary Lemmis, owner and Peter Mayhew, applicant, 7 Roseland Ave, Plat Map 13C, Lots 112 & 113, request for a Variance from section 32-77 to construct a garage on an existing foundation, closer than allowed side and rear lot lines, and in excess of allowed lot coverage. Mr. Mayhew stated the prior owner removed the previously exiting garage for some reason and they are seeking to construct a new 22' x 24' x 15'h garage on the existing foundation where there is a pre-existing curb cut.

It was moved by M. Emmecker to approve Application #15-7, Rosemary Lemmis, owner and Peter Mayhew, applicant, 7 Roseland Ave, Plat Map 13C, Lots 112 & 113, request for a Variance from section 32-77 of the Warren Zoning Ordinance to allow for the construction of a garage on an existing foundation, closer than allowed side and rear lot lines, and in excess of allowed lot coverage. A finding of fact the hardship is due to the unique characteristics of the subject land and of the structure which was not caused by the applicant. Also a finding of fact, the hardship was not due to any prior action of the applicant and is not for the desire of any financial gain. A finding of fact that the granting of this variance will not alter the general characteristics of the surrounding area and the request conforms with the purpose and intent of the Warren Zoning Ordinance and the Comprehensive Plan. A further finding of fact, the relief that the applicant is seeking is the least necessary relief for them to move forward. Second by A. Ellis. Yea - Chairman A. Harrington, P. Attemann, M. Smiley, A. Ellis and M. Emmencker.

Vice Chair S. Calenda resumes his seat.

P. Attemann recues.

Application #15-8, W. Spencer Morris and Allison F. Newsome, owners and applicants, 241Water St, Plat Map 4, Lot 45, request for a Special Use Permit under section 32-47 of the Warren Zoning Ordinance to allow a mixed use residential building in a waterfront district.

Application #15-9, W. Spencer Morris and Allison F. Newsome, owners and applicants, 241Water St, Plat Map 4, Lot 45, request for a Variance from section 32-130 (definitions, Mixed Use, Residential) of the Warren Zoning Ordinance to allow a building to be remodeled so that the proposed residential units and commercial units are on the same floor.

W. Spencer Morris requested a continuance for Application #15-8 and #15-9 to allow him to go before the Planning Board.

It was moved by A. Ellis to continue Application #15-8 and #15-9 to the next meeting (March 18, 2015) pending that the application is able to be heard by the Planning Board subsequent to that meeting and we have a recommendation from the Planning Board. Second by Vice Chair S. Calenda. Yea - Chairman A. Harrington, Vice Chair S. Calenda, M. Smiley, A. Ellis and M. Emmencker.

P. Attemann resumes his seat.

Administrative Matters

1) Update from Building Official on demolition of farm house located at 335 Market Street.

It was moved by A. Ellis to continue the update from the Building Official on demolition of farm house located at 335 Market Street to the March 18, 2015 meeting. Second by Vice Chair S.

Calenda. Yea - Chairman A. Harrington, Vice Chairman S. Calenda, P. Attemann, M. Smiley, and A. Ellis.

2) Solicitor DeSisto has an updated handbook and would like to provide the Board with updated case law and guidance.

It was moved by Vice Chair S. Calenda to continue an update on handbook from Solicitor DeSisto and to also provide the Board with updated case law and guidance, to the March 18, 2015 meeting. Second by P. Attemann. Yea - Chairman A. Harrington, Vice Chairman S. Calenda, P. Attemann, M. Smiley, and A. Ellis.

3) Election of Chair and Vice Chair

P. Attemann nominated A. Harrington as Chair.

A. Harrington respectfully declines.

A. Harrington nominated S. Calenda as Chair.

S. Calenda accepts.

Second by P. Attemann.

No other nominations for Chair. Yea - Chairman A. Harrington, Vice Chairman S. Calenda, P. Attemann, M. Smiley, and A. Ellis.

A. Ellis nominated P. Attemann as Vice Chair.

P. Attemann accepts. Second by A. Harrington.

No other nominations for Vice Chair. Yea - Chairman S. Calenda, A. Harrington, P. Attemann, M. Smiley, and A. Ellis.

4) Discussion and action of 2015 Zoning Board Calendar

It was moved by A. Ellis to change the April Zoning meeting back to the originally proposed date of April 15, 2015. Second by A. Harrington. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, M. Smiley, and A. Ellis.

Adjourn M. Smiley moved to adjourn the meeting at 8:42 PM. Second by A. Harrington. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, M. Smiley, and A. Ellis.

Respectfully Submitted,

Rhonda Lee Fortin